

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

IN RE:
RYAN WAYNE CASHATT
KELLY JO CASHATT
Debtor.

Case No. 13-50507-CAN
Chapter 13

**MOTION TO APPROVE TRIAL MODIFICATION TO MOTION TO APPROVE
PERMANENT HOME MORTGAGE MODIFICATION AND SHORTEN NOTICE**

COME NOW the Debtors, by and through counsel, and states as follows:

1. Debtors filed for protection under Chapter 13 on August 8, 2013
2. Debtors have a mortgage held by Fannie Mae serviced by Seterus, Inc. ("Creditor").
3. Debtors and Creditor have entered into a permanent mortgage modification.
4. Per the terms of the permanent mortgage modification, the modification begins with the March, 2017, payment. The new mortgage payment is \$1,432.68 each month, including escrow, with a fixed interest rate of 3.500% .
5. The principal balance on the loan is \$255,495.79.
6. The loan maturity date is February 1, 2057.
7. Debtors request that this court approve the permanent mortgage modification and authorize the changes set forth below:
8. The claim in favor of Creditor shall be paid in the following manner: Debtor further requests permission to make on-going mortgage payments to Creditor directly beginning with the first modification payment in March, 2017.
9. Debtor further requests that this Court order the Trustee to stop all disbursement on the on-going mortgage claim if the Debtor now is paying it directly. Further, the Trustee shall stop all disbursement on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, and the initial post-petition amount (IPA) claim.
10. The Trustee will reset the mortgage claim records upon entry of an order granting this motion based on the changes set forth above.
11. Debtor requests that this Honorable Court schedule the matter on the next available docket, or in the alternative, grant Debtor's request without a hearing after the expiration of the notice period.

WHEREFORE, Debtor requests that this Honorable Court enter an Order approving the permanent mortgage modification with Creditor and allowing Debtor to pay the mortgage directly beginning with the March, 2017, payment as specified in Paragraph 8 above. If the mortgage is paid through the plan, the Trustee is ordered to set up the first monthly modified on-going mortgage payment as a Post-Petition Loan Modification Amount (PLMA). Further, Debtor requests an Order directing the Trustee to stop all disbursements on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, the initial post-petition amount (IPA) claim, and the on-going mortgage claim if the Debtor now is paying it directly. Post-petition fees and costs will continue to be paid pursuant to Local Rule. Debtor requests the Trustee to reset the mortgage claim records based on the changes set forth above.

Respectfully submitted,

BARLOW & NIFFEN, PC

/s/David R. Barlow

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ATTORNEY FOR DEBTOR(S)

NOTICE OF MOTION

Any party with an objection is directed to file a Response to the motion within seven (7) days of the date of this notice with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. Information about electronic filing can be found on the Court website at www.mow.uscourts.gov. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, a Notice of Hearing will be provided to all interested parties by the Court. If no response is filed within seven (7) days, the Court will enter an order granting the motion.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Motion was served, in addition to the parties notified by the US Bankruptcy Court's electronic notification, upon the affected creditors and other parties in interest listed in the matrix, and Debtor, via US Mail, first class, postage prepaid, on the 22nd day of February, 2017.

/s/David R. Barlow

David R. Barlow, Attorney for Debtor(s)

Court Address: United States Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106